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K

File No. Prevention Corruption II/48

Legal DEPARTMENT

B BRANCH

Subject:—

Rules and Notifications under the

Prevention of Corruption Act, 1947

File No. Prevention of Corruption II/48

Std. Sectt. Slip 24 B a.

4442-B

Office of the R.L.A.

A revised sanction under section 6(b) of the prevention of Corruption Act, 1947 is forwarded herewith.

2. In accepting Rs. 100 from Gangappa as a reward for deciding the case in his favour, Mr. Nagi, a Magistrate, did not act or purport to act in the discharge of his official duty as a Magistrate, and therefore sanction under section 197 of the Code of Criminal Procedure, 1898 (V of 1898) would not be needed. (Hill v. The King 50 Bom. L.R. 467).

P.M.LAD.
24/9
Remembrancer of Legal Affairs.

U.R. 44 R.D., No. 505, Genl., dated the 16th September 1949.

Submitted for signature.

Sd/-

A.S. Sd/-

R.L.A.

DI 31/5/1
SHT/30.5.

Prosecution.
Itagi, Mr. M.R., R.M.,
Hail-Hongal, District Belgaum.

GOVERNMENT OF BOMBAY.
Home Department.
Order No. 5084/5

Bombay Castle, September 1948.

Whereas in the year 1948 Mr. M.R. Itagi held the office of the R.M. at Hail-Hongal in the Belgaum District and as such was a public servant not removable from his office save by or with the sanction of the Government of Bombay;

And whereas on or about the 26th April 1948, the said Mr. M.R. Itagi while acting or purporting to act in the discharge of his official duty is alleged to have obtained Rs. 100 as illegal gratification from Mr. Gangappa Appanyappa Kallur, who had filed a criminal case in his court, as a reward for deciding the said case in favour of the said Gangappa Appanyappa Kallur;

And whereas it appears to the Government of Bombay that the said Mr. M.R. Itagi has thereby committed an offence punishable under section 161 of the I.P.C. (XLV of 1860);

Now therefore in exercise of the powers conferred upon it by clause (b) of section 6 of the Prevention of Corruption Act, 1947 (II of 1947) the Government of Bombay is pleased to accord sanction to the prosecution of the said Mr. M.R. Itagi for the said offence.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

To
The Commissioner, Southern Division,
The District Magistrate, Belgaum,
The D.S.P., Belgaum,
The Addl. Assistant to the I.G.P.A.C.Branch,
The A.G., Bombay.

SMT/30.5.

Mr.R.S.Niger, Inspector,
Government Grainshops.

O R D E R.

Civil Supplies Department,
Bombay Castle, November 1948.

Whereas in the month of August 1948 Mr. R.S.Niger held the post of Inspector of Government Grainshops under the Controller of Government Grainshops in the Civil Supplies Department, Bombay, and as such was a public servant not removable from his office, save by or with the sanction of the Joint Secretary, Civil Supplies Department and Director of Civil Supplies, Bombay.

And Whereas, on or about the 21st August 1948, the said Mr.R.S.Niger is alleged to have accepted for himself from one Mr. Mohamed Yusuf Khatib, Storekeeper, Government Grainshop No.115, Mazgaon Road, Bombay, Rs. * as a reward for showing in the exercise of his official functions, favour to the said Mr. Mohamed Yusuf Khatib.

*Insert the amount accepted.

And Whereas it appears to the Joint Secretary to Government, Civil Supplies Department and Director of Civil Supplies, Bombay, that the said Mr.Niger has thereby committed offence punishable under section 161 of the Indian Penal Code.

Now therefore, in exercise of the powers conferred by clause (a) of section 6 of the Prevention of Corruption Act, 1947 (Indian Act No.II of 1947), the Joint Secretary to Government, Civil Supplies Department and the Director of Civil Supplies, Bombay, sanctions the prosecution of the said Mr. Niger for the said offence.

Joint Secretary to Government, Civil Supplies Department and Director of Civil Supplies, Bombay.

SSR/30.5.

Office of the R.L.A.

A revised draft sanction is sent herewith.

2. From the draft supplied by the Civil Supplies Department it appears that Mr. K.S.Nigar can be removed from his office by the Joint Secretary and the Director of Civil Supplies and not by the Provincial Government. And the sanction is therefore proposed to be given under section 6(a) of the Prevention of Corruption Act, 1947. The sanction being from an officer of Government, the order should issue in his individual capacity and not as an order of the Provincial Government.

3. It is desirable to give the details about the date, place and other particulars of the alleged offence in the sanction Order. In the revised draft sanction Order, the amount of gratification accepted by Mr. Nigar should be specified. The police report at page 5 ante is not clear on the point. In the letter at page 9 ante it is stated that Mr. Nigar accepted Rs. 20-0-0.

P.M.LAD.
15/11
Remembrancer of Legal Affairs.

U.O. to C.S.D., No.615-Genl, dated the 15th November, 1948.

for signature.

K.S.P.
15/11.

R.L.A.

SHR/30.5.

Prosecution.
Mr.Andangouda Virangouda Patil,
officiating patil of Kidgundi,
taluka Ranibennur, District
Dharwar.

GOVERNMENT OF BOMBAY,
Revenue Department,
Resolution No. 6643/45.
Bombay Castle, December 1948.

Letter from the Collector of Dharwar No.M.A.C.S.R. 1581, dated 26th May 1948.

Memorandum from the Dy. Inspector, Southern Division, No.M.T.N.-1714, dated the 7th June 1948.

Government Letter No.6643/45-A, dated the 29th June 1948.

Letter from the Collector of Dharwar No.M.A.C.S.R. 1581, dated the 23rd September 1948.

Resolution:- Whereas during the year 1947, Mr.Andangouda Virangouda Patil held the office of Patil of Kidgundi in the Ranibennur taluka of the Dharwar district, and as such, was a public servant not removable from his office save by or with the sanction of the Government of Bombay;

And whereas, during the month of November 1947, the said Andangouda Virangouda Patil is alleged to have accepted for himself from one Shivaji Ramrao Talagari Rs.50/- and one bag of rice, from one Mallabasappa Dumanwal Rs.30/- and one bag of rice, and from one Puttappa Shivappa Mabali Rs. 72/- and two bags of rice, as a reward for concealing the offence committed by each of the aforesaid persons by not declaring the whole stock of rice possessed by each;

And whereas, it appears to the Government of Bombay that the said Andangouda Virangouda Patil had thereby committed an offence punishable under Section 161 of the Indian Penal Code (XLV of 1860);

Now therefore in exercise of the powers conferred by clause (b) of section 6 of the Prevention of Corruption Act, 1947 (II of 1947), the Government of Bombay is pleased to grant sanction for the prosecution of the said Andangouda Virangouda Patil for the said offence.

By order of the Governor of Bombay,

Under Secretary to Government.

To

The Commissioner, C.D.,
The Collector of Poona,
The Remembrancer of Legal Affai

GAT/30.5.

Prosecution

Mr. Hanmantgouda Narayangouda Patil of Hanshikatti in the Bankapur Taluka, District Dharwar.

GOVERNMENT OF BOMBAY.
Revenue Department.
Resolution No. 8641/45.
Bombay Castle, December 1948.

Letter from the Collector of Dharwar No. M.A.G.S.R.1581, dated the 26th May 1948.

Memorandum from the Commissioner Southern Division, No. W.T.N.-1714, dated the 7th June 1948.
Government letter No.8641/45-M, dated the 28th June 1948.

Letter from the Collector of Dharwar No.M.A.G.S.R.1581, dated the 23rd September 1948.

RESOLUTION:- Whereas during the year 1947, Mr. Andangouda Virangouda Patil held the office of Patil of Nidgundi in the Bankapur taluka of the Dharwar district, and as such, was a public servant not removable from his office save by or with the sanction of the Government of Bombay;

And whereas, during the month of November, 1947, the said Andangouda Virangouda Patil is alleged to have accepted for himself from one Bhivaji Hanmanna Talageri Rs. 50/- and one bag of rice, from one Mudabasappa Basappa Dummavad Rs. 50/- and one bag of rice, and from one Puttapa Shivappa Masali Rs. 70/- and two bags of rice, as a reward for concealing the offence committed by each of the aforesaid persons by not declaring the whole stock of rice possessed by each;

And whereas, it appears to the Government of Bombay that the said Andangouda Virangouda Patil has thereby committed an offence punishable under section 161 of the Indian Penal Code. (XLV of 1860);

And whereas Mr. Hanmantgouda Narayangouda Patil, Patil of Hanshikatti in the Bankapur Taluka of Dharwar District, came to village Nidgundi and instigated the said Bhiwaji Hanmanna Talageri Mudasappa Basappa Dummavad and Puttappa Shivappa Masali to pay the amount and rice bags as demanded by Andangouda Virangouda Patil andintentionally aided the said Andangouda Virangouda Patil in accepting the said amount and rice-bags and was besides present when the said amount and rice-bags were handed over on behalf of Andangouda Virangouda Patil;

And whereas it appears to the Government of Bombay that the said Mr. Hanman tgouda Narayangouda Patil has thereby committed an offence under section 114 read with section 161 of the Indian Penal Code, (XLV of 1860);

Now, therefore, in exercise of the powers conferred by clause (b) of section 6 of the prevention of Corruption Act, 1947 (II of 1947), the Government of Bombay is pleased to grant sanction for the prosecution of the said Hanmantgouda Narayangouda Patil for the said offence.

By order of the Governor of Bombay,

Under Secretary to Government.

To

The Commissioner, Southern Division

The Collector of Dharwar,

The Remembrancer of Legal Affairs.

SNT/30.6.

Office of the R.L.A.

two revised draft G.Rs. are sent herewith.

S.M.LAD.
17/12.

Remembrancer of Legal Affairs.

U.R. to R.D. No. 12018, dated the 17th December 1948.

For signature.

K.G.P.

The draft has been corrected in type.G. &
and F.C. may be signed.

K.G.P.
16/12.

R.L&A.

SRT/30.5.